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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,448	10/16/2003	Michael T. Lundy	2229	8777
28005	7590	12/27/2005	EXAMINER	
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DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,448	<b>Applicant(s)</b> LUNDY, MICHAEL T.	
	<b>Examiner</b> Kiet Doan	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-21,23-27 and 29-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,2,4-9,11-21,23-27 and 29-35 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is response to amendment file on 10/24/2005.

Claims 1-2,7, 9, 11-14, 16-21, 24, 26-27, 29-31 are amended.

Claims 3, 10, 22 and 28 are cancelled.

### *Response to Arguments*

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 1** rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Aagaard et al. (Patent No. 6,839,576).  
Consider **claim 1**, SanGiovanni teaches a portable phone comprising:  
a housing having a top portion and a bottom portion (Fig.1, Illustrate No.102 as top portion and No.104 as bottom portion); a keypad positioned on the bottom portion of the housing; a display screen positioned in a first position generally above the keypad on the top portion of the housing (Fig.1, Illustrate keypad as No.110 on the bottom portion and display No.108 above keypad); and a navigational key positioned on the housing between the display screen and the keypad (Fig.1, Illustrate input device No.116 which read on navigational key) ; wherein the display screen is rotatable from the first position

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to a second position where the display screen is positioned generally to the side of the keypad and navigational key (Fig.4A and Fig.4B, Illustrate display screen is rotatable wherein positioned generally to the side of the keypad and navigational key).

SanGiovanni teaches the limitation of claim as discuss **but fail to teach** and the keypad is axially extendable from the navigational key from a first position to a second position.

In an analogous art, Aagaard teaches "Multiple axis hinge assembly". Further, Aagaard teaches and the keypad is axially extendable from the navigational key from a first position to a second position (C2, L35-65, C7, L7-35).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni and Aagaard system, such that a housing having a top portion and a bottom portion and a navigational key positioned between the display screen and the keypad and the keypad is axially extendable from the navigational key from a first position to a second position to provide means for the flexibility, compact size and convenient for the users

Consider **claims 2 and 21**, SanGiovanni teaches the phone of claim 1, wherein the display screen rotates at least 90 degrees from the first position to the second position (Fig.4B, Illustrate display screen rotates approximately 90 degrees).

Consider **claims 4 and 23**, SanGiovanni teaches the phone of claim 1, wherein the display screen in the second position is positioned generally to the right of

the keypad and the navigational key (Fig.5, Illustrate No.102 is display screen in the second position as to the right of the keypad).

Consider **claims 8, 11, 17, 30-31** SanGiovanni teaches the phone of claim 1, further including means for extending/axially the keypad from the navigational key when the display screen is in the second position (Fig.1, Illustrate keypad No.104 as extend from the navigational key).

Consider **claims 12-13 and 18-19, 22, 29 and 35** SanGiovanni teaches the phone of claim 11, wherein the navigational key is also extendable/axially from the from the display screen when the display screen is in the second position (Fig.1, Illustrate navigational key No.116 wherein also extended).

**2. Claims 5, 7, 9, 14, 16, 24, 26, 32 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Aagaard et al. (Patent No. 6,839,576) and further view of Zatloukal et al. (Pub. No. 2003/0073462).

Consider **claims 5, 14, 24, 32** SanGiovanni and Aagaard teaches the limitation of claims as discuss above **but fail to teach** the phone of claim 1, wherein the keypad is extendable from the navigational key to provide a geometry having improved gaming characteristics.

In an analogous art, Zatloukal teaches "Adding control key to mobile device via smart interchangeable cover". Further, Zatloukal teaches the phone of claim 1, wherein

the keypad is extendable from the navigational key to provide a geometry having improved gaming characteristics (Page 3, Paragraphs [0050-0051], Fig.8, Illustrate the phone which contain gaming characteristics, navigational key as No.832).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni , Aagaard and Zatloukal system, such that portable phone with keypad is extendable from the navigational key to provide a geometry having improved gaming characteristics, to provide means for the users flexibility controlling/navigation when using portable phone to playing game.

Consider **claims 7, 16, 26, 34** Zatloukal teaches the phone of claim 1, wherein the display screen pivots in relation the housing so that when the display screen is in the second position, the display screen is generally centered between the navigational key and the keypad (Fig.8, Illustrate display screen is generally centered between the navigational key and the keypad).

Consider **claim 9**, SanGiovanni teaches a portable phone comprising:  
a housing having a top portion and a bottom portion; a keypad positioned on the bottom portion of the housing; a display screen positioned in a first position generally above the keypad on the top portion of the housing (Fig.1, Illustrate top portion as No.102 with display No.108 above keypad and keypad on the bottom position as No. 104);  
and a navigational key positioned on the housing between the display screen and

the keypad (Fig.1, Illustrate input device No.116 which read on navigational key); wherein the display screen and navigational key are both rotatable 180 degrees around a pivot from a first position wherein the navigational key is located between the display screen (Fig.4A and Fig.4B, Illustrate display screen No.108 and navigational key No.106 are both rotatable).

Zatloukal teaches and the keypad to a second position wherein the display screen is located between the navigational key and the keypad (Fig.8, Illustrate display screen is located between the navigational key and the keypad).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni and Zatloukal system, such that the portable phone having a top portion and a bottom portion, a display screen positioned in a first position generally above the keypad on the top portion of the housing and a navigational key positioned on the housing between the display screen and the keypad and the keypad to a second position wherein the display screen is located between the navigational key and the keypad, to provide means for the users flexibility controlling/navigation when using portable phone to playing game.

**3. Claims 6, 15, 25, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Aagaard et al. (Patent No. 6,839,576) and Zatloukal et al. (Pub. No. 2003/0073462) and further view of Ozaki (Pub. No. 2002/0061770).

Consider **claims 6, 15, 25, 33** SanGiovanni, Aagaard and Zatloukal teach the limitation of claims as discuss above **but fail to teach** the phone of claim 1, wherein the housing includes a slideway adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate the extension of the keypad.

In an analogous art, Ozaki teaches "Opening/closing type portable information terminal". Further, Ozaki teaches the phone of claim 3, wherein the housing includes a slideway adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate the extension of the keypad (Fig.4, Illustrate slideway/sliding position).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni, Aagaard, Zatloukal and Ozaki system, such that the housing includes a slideway adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate the extension of the keypad, to provide means for fast and easy when open the portable phone.

**4. Claims 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Aagaard et al. (Patent No. 6,839,576).

Consider **claim 20**, SanGiovanni teaches a portable phone comprising:  
a housing having a top portion and a bottom portion (Fig.1, Illustrate No.102 as top portion and No.104 as bottom portion); a navigational key positioned on the bottom portion of the housing a display screen positioned in a first position generally above the



navigational key on the top portion of the housing (Fig.1, Illustrate No.116 as navigational key positioned on the bottom portion of the housing and display No.108 as above the navigational key). SanGiovanni teaches the limitation of claim as discuss **but fail to teach** and a keypad positioned on the housing between the display screen and the navigational key; wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of the keypad and navigational key, and wherein the navigational key is axially extendable from the keypad when the display screen is in the second position.

Aagaard teaches and a keypad positioned on the housing between the display screen and the navigational key (Fig.3, Illustrate keypad No.106 is between display No.104 and the navigational key as circle with error point); wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of the keypad and navigational key (Fig.1 and Fig.2, Illustrate display screen is rotatable), and wherein the navigational key is axially extendable from the keypad when the display screen is in the second position (C2, L35-65, C7, L7-35).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni and Aagaard, such that a portable phone having a top portion and a bottom portion, a navigational key positioned on the bottom portion, display screen on the top portion and a keypad positioned on the housing between the display screen and the navigational key and

wherein the navigational key is axially extendable frto provide means for the users flexibility/easy controlling/navigation when using portable phone to playing game.

5. **Claims 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Aagaard et al. (Patent No. 6,839,576) and further view of Zatloukal et al. (Pub. No. 2003/0073462)

Consider **claim 27**, SanGiovanni teaches a portable phone comprising: a housing having a top portion and a bottom portion (Fig.1, Illustrate No.102 as top portion and No.104 as bottom portion); a navigational key positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the navigational key on the top portion of the housing (Fig.1, illustrate No.116 as navigational key positioned on the bottom portion of the housing and display No.108 as above the navigational key).;

Aagaard teaches and a keypad positioned on the housing between the display screen and the navigational key (Fig.3, Illustrate keypad No.106 is between display No.104 and the navigational key as circle with error point); wherein the display screen and keypad are both rotatable 180 degrees around a pivot from a first position wherein the keypad is located between the display screen (Fig.1 and Fig.2, Illustrate display screen and keypad are rotatable).

Zatloukal teaches and the navigational key to a second position wherein the display screen is located between the navigational key and the keypad (Fig.8, Illustrate display screen is located between the navigational key and the keypad).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni, Aagaard and Zatloukal, such that a portable phone having a top portion and a bottom portion, a navigational key positioned on the bottom portion, keypad positioned on the housing between the display screen and the navigational key, display screen and keypad are both rotatable and the navigational key to a second position wherein the display screen is located between the navigational key and the keypad, to provide means for the users flexibility/easy controlling/navigation when using portable phone to playing game.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

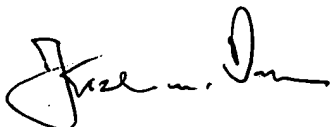
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



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